

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

vs.

NO: 3:08CV00001 BSM

FLOYD CROCKETT, ET AL.

DEFENDANTS

ORDER

The United States of America, acting by and through Farm Service Agency (FSA), formerly known as the Farmers Home Administration, U.S. Department of Agriculture, brings this action pursuant to 28 U.S.C. Section 1345 to foreclose liens on certain real property located in Craighead County and Greene County, Arkansas. Plaintiff claims that Defendants Floyd Crockett and Patsy J. Crockett Yates (his former wife) executed and delivered to Farmers Home Administration promissory notes secured by mortgages for real property in Craighead and Greene counties. The payments due on the promissory notes are in default, the FSA has accelerated maturity of all principal and interest and has demanded payment of the entire balance. Defendants Floyd Crockett and Patsy J. Crockett Yates have failed to pay the balance due and owing on the notes. As of June 18, 2007, Defendants Floyd Crockett and Patsy J. Crockett Yates owe Plaintiff the principal sum of \$273,973.19 plus interest in the sum of \$364,872.82 with interest accruing at the daily rate of \$50.8916 plus additional charges.

Defendants Harrell G. and Jenna Z. Mays answered, stating that they have a one-half interest in the property described in paragraph 3 of the Amended

Complaint. Defendant Patsy J. Crockett Yates answered, and admitted the allegations in the Amended Complaint. She stated that she filed a Chapter 7 bankruptcy and that Plaintiff could proceed *in rem*. Defendants John Robert Smoot and Glenda Smoot filed an answer stating that they have an interest in property described as Tract II in paragraph 3 (“Greene County property”) of the Amended Complaint which is superior to any other party.

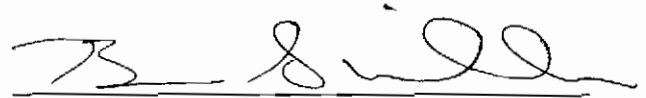
Plaintiff has filed a motion for *in rem* summary judgment. In support of its motion it has attached the affidavit of Gary F. Cochran, an FSA Farm Loan Manager.

No one has responded to the motion for summary judgment or disputed the facts set forth in Cochran’s affidavit. Plaintiff asks that it be granted judgment *in rem*. It states that any judgment on the Craighead County real property will not affect the undistributed 1/2 interest Defendants Harrell G. Mays and Jenna Z. Mays have in the property. Plaintiff further states that any judgment affecting the Greene County real property will not exceed the sum of \$128,859.36 as of June 18, 2007 with a daily accrual of \$11.7413.

The court finds that Plaintiff is entitled to *in rem* judgment on the property described in the Amended Complaint. Plaintiff is directed to provide a proposed judgment to the court within 11 days of the date of this Order.

Accordingly, the motion for summary judgment [Doc. No. 22] is hereby granted.

IT IS SO ORDERED this 30th day of May, 2008.

A handwritten signature in black ink, appearing to read "B. L. Williams", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE